

1049 U.S. PTO

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PTO/SB/05 (11-00)

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

<i>Attorney Docket No.</i>	UF-270
<i>First Inventor</i>	Melker et al.
<i>Title</i>	Method and Apparatus for Monitoring Intravenous (IV) Drug Concentration Using Exhaled Breath
<i>Express Mail Label No.</i>	EF 370336279 US

## **APPLICATION ELEMENTS**

*See MPEP chapter 600 concerning utility patent application contents.*

**ADDRESS TO:** Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

- |  |  |   |
|--|--|---|
| 1.   | <input checked="" type="checkbox"/>          | Fee Transmittal Form (e.g., PTO/SB/17)<br><i>(Submit an original and a duplicate for fee processing)</i>  |
| 2.   | <input checked="" type="checkbox"/>          | Applicant claims small entity status.<br>See 37 CFR 1.27.   |
| 3.   | <input checked="" type="checkbox"/>          | Specification [Total Pages <b>34</b><br><i>(preferred arrangement set forth below)</i>  |
| <ul style="list-style-type: none"> <li>- Descriptive title of the invention</li> <li>- Cross Reference to Related Applications</li> <li>- Statement Regarding Fed sponsored R &amp; D</li> <li>- Reference to sequence listing, a table, or a computer program listing appendix</li> <li>- Background of the Invention</li> <li>- Brief Summary of the Invention</li> <li>- Brief Description of the Drawings <i>(if filed)</i></li> <li>- Detailed Description</li> <li>- Claim(s)</li> <li>- Abstract of the Disclosure</li> </ul> |  |   |
| 4.   | <input checked="" type="checkbox"/>          | Drawing(s) (35 U.S.C. 113) [ Total Sheets <b>1</b> ]  |
| 5.   | Oath or Declaration [ Total Pages <b>1</b> ] |   |
| a.   | <input checked="" type="checkbox"/>          | Newly executed (original or copy)   |
| b.   | <input type="checkbox"/>                     | Copy from a prior application (37 CFR 1.63 (c))<br><i>(for continuation/divisional with Box 18 completed)</i>                                       |
| i.   | <input type="checkbox"/>                     | <b>DELETION OF INVENTOR(S)</b><br>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). |
| 6.   | <input type="checkbox"/>                     | Application Data Sheet. See 37 CFR 1.76   |

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (*Appendix*)
  8. Nucleotide and/or Amino Acid Sequence Submission  
*(if applicable, all necessary)*
    - a.  Computer Readable Form (CRF)
    - b. Specification Sequence Listing on:
      - i.  CD-ROM or CD-R (2 copies); or
      - ii.  paper
    - c.  Statements verifying identity of above copies

#### **ACCOMPANYING APPLICATION PARTS**

- ✓  Assignment Papers (cover sheet & document(s))  
37 CFR 3.73(b) Statement  Power of  
(when there is an assignee)  Attorney

11.  English Translation Document (*if applicable*)

12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS  
 Citations

13.  Preliminary Amendment

14.  Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)

15.  Certified Copy of Priority Document(s)  
(if foreign priority is claimed)

16.  Request and Certification under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
or its equivalent.

17.  Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation       Divisional       Continuation-in-part (CIP) of prior application No.: /

*Prior application information:* \_\_\_\_\_ *Examiner* \_\_\_\_\_ *Group Art Unit:* \_\_\_\_\_

**For CONTINUATION OR DIVISIONAL APPS only:** The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation is made with the understanding that no portion has been inadvertently omitted from the submitted application parts.

#### **19. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	23,557 <small>(Insert Customer No. or Attach bar code label here)</small>	or	<input type="checkbox"/> Correspondence address below
Name			
Address			
City		State	
Country	T-1		Encl.

Name (Print/Type)	Christine Q. McLeod	Registration No. (Attorney/Agent)	36,213
Signature		Date	1-22-02

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Melker et al.
Title	Method and Apparatus for Monitoring Intravenous (IV) Drug Concentration Using Exhaled Breath
Atty Docket Number	UF-270

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

1-22-02

Date

Signature

Christine Q. McLeod

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

**FEE TRANSMITTAL FORM**

Assistant Commissioner for Patents  
 Box Patent Application  
 Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of:

Inventor(s): Richard J. Melker, David G. Bjaraker

Entitled: Method and Apparatus for Monitoring Intravenous (IV) Drug Concentration Using Exhaled Breath

- A Utility Patent Application Transmittal Form accompanies this Fee Transmittal Form.
- The filing fee is calculated below:

**CLAIMS AS FILED**

	Number filed	Number Extra	Rate	Fee
Basic Fee				\$ 370.00
Total Claims	39	- 20 = 19	x \$9	171.00
Independent Claims	5	- 3 = 2	x \$42	84.00
Presentation of Multiple Dependent Claim(s) (\$140)				-0-
			Total Filing Fee	\$ 625.00

- Please charge \$625.00 to Deposit Account No. 19-0065. A duplicate copy of this sheet is enclosed.
- The Commissioner is hereby authorized to charge any additional filing fees which may be required, or credit any overpayment, to Deposit Account No. 19-0065. A duplicate copy of this sheet is enclosed.
- This application is being mailed by Express Mail under 37 CFR 1.10 and the required certificate appears below.

1-22-02

Date

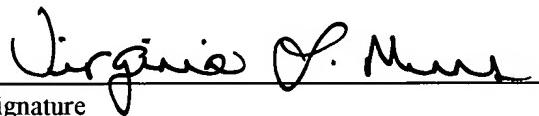
  
Attorney of Record

**CERTIFICATE OF MAILING BY EXPRESS MAIL (37 CFR 1.10)**

Express Mail No.: EF 370336279 US Date of Deposit: January 22, 2002

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Virginia L. Minns  
Name of person mailing paper

  
Signature